

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT & SCOTT HUGHES,**

Defendants.

Civil Action No.: 2:20-cv-00146

**DEFENDANTS' MOTION TO SUBSTITUTE THEIR CORRECTED
MOTION TO STRIKE PORTIONS OF PLAINTIFF'S EVIDENTIARY SUBMISSION**

Defendants Gestamp West Virginia, LLC ("Gestamp"), Kenneth Suprenant, and Scott Hughes (collectively "Defendants") respectfully request that the Court permit Defendants to substitute a *corrected* Motion to Strike Portions of Plaintiff's Evidentiary Submission (Attachment A) for their *filed* Motion to Strike Portions of Plaintiff's Evidentiary Submission (Doc. 99). In support thereof, Defendants state as follows:

1. On December 14, 2020, Defendants timely submitted a Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment (Doc. 97). Defendants also contemporaneously filed a Motion to Strike Portions of Plaintiff's Evidentiary Submission. (Doc. 99).

2. In the *filed* Motion to Strike Portions of Plaintiff's Evidentiary Submission. (Doc. 99), Defendants inadvertently left the name of witness Kristina Dodd out of its argument in Section A, wherein Defendants argued that Plaintiff had failed to disclose witnesses in accordance with Fed. R. Civ. P. 26(a). (Doc. 99, pp. 2-6).

3. Defendants request that they be allowed to substitute the attached *corrected* Motion to Strike Portions of Plaintiff's Evidentiary Submission (Attachment A). The corrected Attachment A simply adds Kristina Dodd's name to Section A of the Motion (Doc. 99, pp. 2-6), as well as a statement at the beginning of D of the Motion (Doc. 99, p. 15) that Kristina Dodd was not properly disclosed.

4. Plaintiff will not be prejudiced by this substitution, and the substitution will not require altering or extending any deadlines.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court grant Defendants' Motion to Substitute and permit Defendants to substitute Attachment A hereto for Defendants' filed Motion to Strike Portions of Plaintiff's Evidentiary Submission (Doc. 99).

Respectfully submitted,

**GESTAMP WEST VIRGINIA, LLC;
KENNETH SUPRENANT; and
SCOTT HUGHES,**

By Counsel.

Ronald Flowers, Esquire
(*admitted pro hac vice*)
BURR & FORMAN LLP
Suite 3400
420 North 20th Street
Birmingham, Alabama 35203
(205) 251-3000; (205) 458-5100 (facsimile)
rflowers@burr.com

/s/ **Raj A. Shah** 12/16/2020
Raj A. Shah, Esquire (#11269)
HENDRICKSON & LONG, PLLC
214 Capitol Street (zip 25301)
P.O. Box 11070
Charleston, West Virginia 25339
(304) 346-5500
(304) 346-5515 (facsimile)
rshah@handl.com

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CERTIFICATE OF SERVICE

I, Raj A. Shah, counsel for Defendants Gestamp West Virginia, LLC, Kenneth Suprenant, and Scott Hughes do hereby certify that on the **16th day of December, 2020**, a true and exact copy of the foregoing **DEFENDANTS' MOTION TO SUBSTITUTE THEIR CORRECTED MOTION TO STRIKE PORTIONS OF PLAINTIFF'S EVIDENTIARY SUBMISSION** has been served using the Court's CM/ECF system, which will deliver a true copy thereof to the following counsel of record:

D. Adrian Hoosier II, Esquire
HOOSIER LAW FIRM PLLC
Suite 100
213 Hale Street
Charleston, West Virginia 25301
Counsel for Plaintiff

/s/ **Raj A. Shah** 12/16/2020

Raj A. Shah, Esquire (#11269)
HENDRICKSON & LONG, PLLC
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